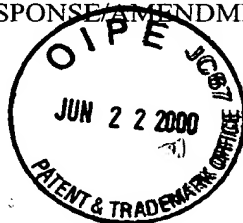


IN THE UNITED STATES PATENT & TRADEMARK OFFICE
RESPONSE/AMENDMENT

Case Docket No. 7247M

Box: Non-Fee Amendment

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231



CP1615

JUN 26 2000

TECH CENTER 1600/29

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patent, Washington, D.C. 20231, on June 15, 2000

Betty J. Zea 36,069
Name of Attorney/Agent Registration No.
Betty J. Zea
Signature of Attorney or Agent

Dear Sir:

Transmitted herewith is an AMENDMENT for the patent application:

Inventor(s): D.J. Dobrozsi

Serial No.: 09/361,542

Group Art Unit: 1615

Date Filed: July 27, 1999

Examiner: A. Pulliam

Title: Oral Liquid Mucoadhesive Compositions

1. ☒ No additional fee is known to be required.
2. ☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA*	RATE	FEE
TOTAL	* 29	MINUS	** 29	= 0	x \$18 =	\$0
INDEP.	* 2	MINUS	*** 3	= 0	x \$78 =	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$260 =	\$
					TOTAL	\$0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

3. ☒ The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated March 14, 2000 in the above-identified application to preserve pendency of said application. The processing fee under 37 CFR §1.17 has been determined as follows: \$110 for a 1 month extension of time.
4. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-2480. A duplicate copy of this sheet is attached.
 - a. ☒ Any patent application processing fees under 37 CFR §1.16.
 - b. ☒ Any patent application processing fees under 37 CFR §1.17.
5. The Commissioner is hereby authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to Deposit Account No. 16-2480.

Betty J. Zea
Betty J. Zea
Attorney/Agent for Applicant(s)
Registration No. 36,069
Tel. No. (513) 622-3952



Case 7247M

#5
chh
7-1-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
DOUGLAS J. DOBROZSI :
Serial No. 09/361,542 : Group Art Unit 1615
Filed July 27, 1999 : Examiner A. Pulliam
For ORAL LIQUID MUCOADHESIVE :
COMPOSITIONS :

RESPONSE

The Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated March 14, 2000, please consider the following remarks. The Commissioner is authorized to charge any necessary fees to Deposit Account No. 16-2480. Applicant, however, believes that no fee is due.

35 USC § 102 Rejection

Claims 1-29 are pending in the present application. Claims 1-6, 8, 9, 11, 24, and 28 are rejected under 35 USC §102(b) as being anticipated by Chavkin et al., US 4,980,175 (herein "Chavkin"). Anticipation under 35 USC §102(b) requires the disclosure of each element of the claims under consideration in a single prior art reference, *Alco Standard Corp. v. TVA*, 1 U.S. P. Q2d 1337, 1341 (Fed. Cir. 1986). Every element of the presently claimed invention, however, is not identically disclosed by Chavkin in that Chavkin only teaches non-aqueous compositions. The present invention relates to aqueous compositions.¹ First of all, Chavkin defines the invention as:

There is provided an orally ingestible liquid composition for suspending therein at least one orally administrable pharmaceutically active composition comprising an oil,..... (col. 3, lines 34-37).

In the Background of the Invention section of Chavkin, Chavkin repeated refers to the desirability of providing a non-aqueous liquid suspension for formulating active containing pharmaceutical compositions, where the administration of large quantities of the active is needed to achieve the therapeutic benefit.

While aqueous suspensions of antacids have been known for decades, it has not been possible heretofore to reach the desired level of neutralizing capacity. The reason is that the amount of antacid required is about 3 grams and cannot be physically suspended in the usual aqueous vehicles employed

¹ See the Specification page 16, lines 24-26 and the Summary of the Invention, page 2.